

MR2049-474

Serial Number: 10/805,187

Reply to Office Action dated 21 March 2005

REMARKS

This case has been carefully reviewed and analyzed in view of the Official Action dated 21 March 2005. Responsive to the rejection made in the Official Action, Claim 1 has been amended to incorporate the subject matter of Claim 2 therein and Claim 2 has been canceled by this Amendment. Claim 3 has been amended to change the dependency thereof.

In the Official Action, the Examiner objected to the Drawings as failing to comply with 37 C.F.R. § 1.84(p)(4), because the reference numeral "62" and "70" used in the Specification was not shown in the Drawings, the Drawings and Specification also referring to the sphere with the reference numeral "52".

The Specification has been amended to replace the reference characters "62" and "70" with the reference numeral "52", as provided in the Drawings. As the Specification is now consistent with the Drawings, there is no requirement for any Drawing changes.

In the Official Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(a), as being anticipated by Wang, U.S. Patent Application Publication 2004/0256429. However, the Examiner kindly indicated that Claims 2 and 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Published Patent Application 2004/0256429 was published subsequent to the filing of the subject Patent Application, and therefore cannot be prior art

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under 35 U.S.C. § 102(a). Further, as the prior art relied upon by the Examiner is the Inventor's co-pending Patent Application and was not published more than one year prior to the filing date of the subject Patent Application, it cannot be prior art at all. At best, the reference would form the basis of a provisional double patenting rejection. In order to avoid a provisional double patenting rejection and further delay the prosecution of the subject Patent Application, Applicant has added the subject matter of Claim 2 into Claim 1, thereby effectively rewriting Claim 2 in independent form, including all of the limitations of the base claim (Claim 1) and any intervening claims (which there were none). Thus, Claim 1 should now be allowable. The objection to Claim 3 has been overcome by amending Claim 3 to be dependent upon Claim 1, and allowable base claim.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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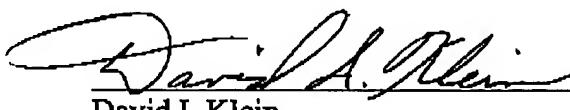
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Date

6/21/2005

David I. Klein